

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45792 of 2018

=====

1. Krishna Yadav, S/o Bajo Yadav, R/o Vill.- Prithvichak, P.S.- Sangrampur, District- Munger.
2. Kumar Gourav @ Gourav Kumar S/o Arun Kumar Yadav, R/o Vill.- Prithvichak, P.S.- Sangrampur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha

For the Opposite Party/s : Mr. Sri Dinesh Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-08-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Belhar P.S. Case No. 132/2018, instituted for the offences punishable under Sections 379 and 411 of the Indian Penal Code read with Sections 4, 40 of the Bihar Mines Minerals Concession Rule, 1972 and 8(d) of the Bihar Minerals (Prevention of Illegal Mining Transportation and Storage) Rule, 2003.

The allegation against these petitioners as per the F.I.R. is that during raid done by Anchal Adhikari, the vehicle of petitioner no. 1 was seized on the ground that illegal sand were loaded on the said vehicle without valid challan.

Learned counsel for the petitioners has submitted that they are owner and driver respectively of the said vehicle which was seized by the police. It is further submitted that Petitioner no. 1 (driver) had shown valid challan to the informant but the same was not



considered by the Circle Officer, Belhar. The petitioners have no criminal antecedent.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Belhar P.S. Case No. 132/2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J.)

Rakhi

U		T	
---	--	---	--

